NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (S) No. 1479 of 2015

Purandhar Prasad Patel, S/o Late Ajit Ram Patel, aged about 62 years, Occupation- Retd. Khand Vistar Prakshikshak (B.E.E.), Office- Community Health Centre, Pussore, Raigarh, Civil and Revenue District - Raigarh (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Health and Family Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur District - Raipur (C.G.)

2. Accountant General (Lekha and Hak), Chhattisgarh Office - Zero Point, Balodabazar Road, Raipur (C.G.)

3. Senior Account Officer, Accountant General (Lekha And Hak), Chhattisgarh Office- Zero Point, Balodabazar Road, Raipur (Chhattisgarh)

4. Chief Medical And Health Officer, Office At Bhagwanpur, Tahsil & District- Raigarh (Chhattisgarh)

5. Block Health Officer, Community Health Centre, Pussore, District Raigarh (Chhattisgarh)

---- Respondents

For Petitioner Shri Vipin Punjabi, Advocate
For Respondent/State Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

29/04/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.

2. By this petition, the petitioner is seeking direction to the respondents to

release retrial dues and other pensionary benefits as also the consequential benefits along with interest.

3. Learned counsel for the parties would submit that the issue involved and the relief claimed in the present petition are required to be considered by the pension committee.

4. This Court, in the matter of W.P. No. 4642/2004 *(Baijnath Mandal v. The State of Chhattisgarh & Others)* and other connected matters, directed the Committee to consider the matter of retiral dues as the disputed question of facts were involved. The Committee was constituted by the State Government, pursuant to the order dated 19/06/2006 passed in W.P. No. 1961/2006 *(Smt. Keja Bai Chandrakar Vs. State Government and Others)* and order dated 13/03/2008 passed in M.C.C. No. 105 of 2008 *(State of Chhattisgarh & Others V. Baijnath Mandal and another*). Thus, this petition is squarely covered by the judgment and order dated 31st of January, 2008 passed in W.P. No. 4642/2004 *Baijnath Mandal (supra)* as submitted by learned counsel appearing for the parties.

5. This petition is accordingly disposed of in the same terms i.e. the office of the Advocate General is directed to send the case to the Committee, within a period of 15 days from the date of receipt of a copy of the petition from the petitioner and this order. Thereafter, the Committee shall issue notice to the petitioner and the officers concerned, within a further period of 15 days. The Committee shall consider and pass order, in accordance with law, after affording proper opportunity of hearing to the parties. The petitioner and the officers concerned may file additional documents, if necessary. The entire exercise, including retrial dues of the employee and other pensionary benefits, if any, to

the petitioner be completed within a period of three months from the date of receipt of a copy of this order.

6. The petitioner shall supply extra copy of the petition to learned counsel appearing for the State/respondents for forwarding the same to the Committee.

7. Learned counsel for the petitioner would submit that liberty may be reserved in favour of the petitioner to move fresh writ petition if the decision made by the Committee on anyone of the claim including claim for interest is decided against the petitioner.

8. Liberty as prayed for is granted.

9. Accordingly, the writ petition stands disposed of.

JUDGE

Nirala